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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,448	11/20/2000	Dale F. McIntyre	81884F-P	1988

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PATENT LEGAL STAFF  
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EXAMINER

RHODE JR, ROBERT E

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 05/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/717,448

Applicant(s)

MCINTYRE ET AL.

Examiner

Rob Rhode

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4&5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zander (US 5,923,906) in view of dotphoto.com web pages captured via the WayBack Machine (hereafter referred to as dotphoto).**

Regarding claim 1 and related claims 8 and 9, Zander teaches a method of providing image goods and/or services to more than one party located at different locations, comprising the steps of: providing a camera for substantially simultaneously capturing an image both electronically and on a photosensitive media by a customer (Col 1, lines 23 – 32 and Figures 1, 2, 4 and 16). Please note and as disclosed by applicant in their specification, hybrid cameras are described in US Patents 5,822,625, 5,619,275 and 4,949,117. These cameras could have been distributed via the method disclosed and taught by Zander and/or obtaining these cameras directly from a retail camera store.

However, Zander does not disclose and teach transmitting said electronic image to a third party at a location remote from said customer along with additional data, said

additional data identifying said image with respect to said photosensitive media; said customer and/or said third party placing an order with a service provider for at least one good and/or service with respect to said image on said photosensitive media associated with said electronic image; and said service provider assembling the order upon receipt of the photosensitive media.

On the other hand, dotphoto teaches transmitting said electronic image to a third party at a location remote from said customer along with additional data, said additional data identifying said image with respect to said photosensitive media (Pages 2, 6 and 7); said customer and/or said third party placing an order with a service provider for at least one good and/or service with respect to said image on said photosensitive media associated with said electronic image (Pages 2, 3 and 6); and said service provider assembling the order upon receipt of the photosensitive media (Page 5). Moreover:

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method of Zander with the method of dotphoto to enable providing image goods and/or services to more than one party located at different locations, comprising the steps of: providing a camera for substantially simultaneously capturing an image both electronically and on a photosensitive media by a customer; transmitting said electronic image to a third party at a location remote from said customer along with additional data, said additional data identifying said image with respect to said photosensitive media; said customer and/or said third party placing an order with a

service provider for at least one good and/or service with respect to said image on said photosensitive media associated with said electronic image; and said service provider assembling the order upon receipt of the photosensitive media – in order for a customer to select a n appropriate camera such as a hybrid camera to take pictures and providing a service for developing and sharing the photos with friends and family as well as paying for the pictures/images. In that regard, the customer has the convenience of sharing the pictures with others, selectively via e-mail and selected customers placing an order for photographs too. With this convenience, the customer's satisfaction will be increased - with the service provider, which will increase the probability that they will use the service again as well as recommending the service provider to others.

**Claims 2 – 5 and 10 – 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Zander (US 5,923,906) and dotphoto.com web pages captured via the WayBack Machine as applied to claims 1 and 9 above, and further in view of Sheridan (US 5,760,917).**

The combination of Zander and dotphoto substantially disclose and teach the applicant's invention.

However, the combination of Zander and dotphoto does not specifically disclose and teach a method wherein said additional data comprises a database location at which said order may be electronically accessed by said service provider for determining if

additional orders exist with respect to said images; and wherein said customer advises said service provider that said image has been forwarded to said third party for potential placement of an order with respect to said image; and wherein said customer forwards to said service provider the e-mail address of said third party to which said digital image has been forwarded – as well as wherein said service provider forwards electronically to said customer and said third party confirmation that said order has been received.

Regarding claim 2 and related claim 10, Sheridan teaches a method wherein said additional data comprises a database location at which said order may be electronically accessed by said service provider for determining if additional orders exist with respect to said images (Col 2, lines 58 – 67).

Regarding claim 3 and related claim 11, Sheridan teaches a method wherein said customer advises said service provider that said image has been forwarded to said third party for potential placement of an order with respect to said image (see at least Abstract) and regarding claim 4 and related claim 12, Sheridan teaches a method wherein said customer forwards to said service provider the e-mail address of said third party to which said digital image has been forwarded (Col 2, lines 28 – 30).

Regarding claim 5 and related claim 13 wherein said service provider forwards electronically to said customer and said third party confirmation that said order has been received. Please note, Sheridan does not specifically teach regarding “order

confirmation”, this capability of order confirmation for online shoppers – regardless of the party involved in the ordering is old and well know to one of ordinary skill in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Zander and dotphoto with the method of Sheridan to enable providing wherein said additional data comprises a database location at which said order may be electronically accessed by said service provider for determining if additional orders exist with respect to said images; and wherein said customer advises said service provider that said image has been forwarded to said third party for potential placement of an order with respect to said image; and wherein said customer forwards to said service provider the e-mail address of said third party to which said digital image has been forwarded as well as wherein said service provider forwards electronically to said customer and said third party confirmation that said order has been received – in order to have provided the capability for the service provided to ease the online shopping process for all parties. In that regard and with these added features, the online party's satisfaction will be increased and thereby increasing the probability that they will return in the future for their film developing needs as well as recommending the site to others.

**Claims 6 - 7 and 14 - 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Zander (US 5,923,906) and dotphoto as applied to claims 1 and 9 above, and further in view of Fredlund (US 5,666,215).**

The combination of Zander and dotphoto substantially disclose and teach the applicant's invention.

However, the combination of Zander and dotphoto does not specifically disclose and teach wherein said customer provides a predetermined amount of credit which may be charged to said customer with respect to ordering of goods and/or services by said third party and wherein said information forwarded to said third party further includes a computer software program whereby the order can be automatically forwarded to said service provider by selecting from pre-designated options provided in addition to said images..

Regarding claim 6 and related claim 14, Fredlund teaches a method wherein said customer provides a predetermined amount of credit which may be charged to said customer with respect to ordering of goods and/or services by said third party (Col 2, lines 40 – 44).

Regarding claim 7 and related claim 15, Fredlund teaches a method wherein said information forwarded to said third party further includes a computer software program whereby the order can be automatically forwarded to said service provider by selecting from pre-designated options provided in addition to said images (Col 2, lines 45 – 56).



It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Zander and dotphoto with the method of Fredlund to enable said customer provides a predetermined amount of credit which may be charged to said customer with respect to ordering of goods and/or services by said third party and wherein said information forwarded to said third party further includes a computer software program whereby the order can be automatically forwarded to said service provider by selecting from pre-designated options provided in addition to said images – in order to have provided the additionally capabilities for customers to allow others to charge to certain credit limit as well as providing other items to purchase. In that regard, the customers satisfaction will be enhanced as well potentially increasing the revenue for the service provided by including additional accessories to be purchased with each order and thereby potentially increasing the revenue for the service provider.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Rhode whose telephone number is 703.305.8230. The examiner can normally be reached on M-F 7:30am - 4:00pm.

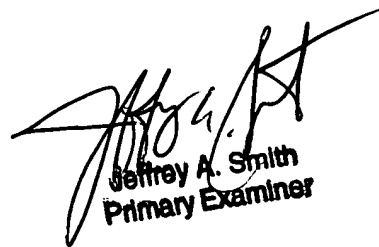
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703.308.1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.7658 for regular communications and 703.308.3687 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.1113.

RER

May 12, 2003



Jeffrey A. Smith  
Primary Examiner